

REMARKS

Upon entry of this Amendment, claims 1-39 will be pending in the present application. By this Amendment, Applicant has amended independent claims 1, 9, 17, 23, and 29, support for which may be found in Applicants' specification at, for example, Figures 11-16 and the corresponding sections of the specification.

In the Final Office Action,¹ the Examiner rejected claim 38 under 35 U.S.C. § 112, second paragraph; rejected claims 17 and 23 under 35 U.S.C. § 102(a) as allegedly anticipated by Applicants' admitted prior art (AAPA); rejected claims 1, 3, 7-9, 11, 15, 16, 19, 23, 25, 29, 31, 35, and 36 under 35 U.S.C. § 103(a) as allegedly unpatentable over the AAPA in view of U.S. Patent No. 6,553,002 to Bremer et al.; rejected claims 2, 10, and 30 under 35 U.S.C. § 103(a) as allegedly unpatentable over the combination of the AAPA in view of Bremer as applied to claims 1, 9, and 29, and in further view of U.S. Patent No. 5,347,272 to Ota; rejected claims 18 and 24 under 35 U.S.C. § 103(a) as allegedly unpatentable over AAPA as applied to claims 17 and 23 in view of Ota; rejected claims 4, 12, and 32 under 35 U.S.C. § 103(a) as allegedly unpatentable over the AAPA in view of Bremer as applied to claims 1, 9, and 29, and in further view of U.S. Patent No. 5,802,049 to Watanabe; rejected claims 20 and 26 under 35 U.S.C. § 103(a) as allegedly unpatentable over AAPA as applied to claims 17 and 23 in view of Watanabe; rejected claims 5, 13, and 33 under 35 U.S.C. § 103(a) as allegedly unpatentable over the AAPA in view of Bremer as applied to claims 1, 9, and 29, and in further view of U.S. Patent No. 6,205,211 to Thomas; rejected claims 21 and

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

27 under 35 U.S.C. § 103(a) as allegedly unpatentable over AAPA as applied to claims 17 and 23 in view of Thomas; rejected claims 6, 14, and 34 under 35 U.S.C. § 103(a) as allegedly unpatentable over the AAPA in view of Bremer as applied to claims 1, 9, and 29, and in further view of U.S. Patent No. 6,801,502 to Rexford; rejected claims 22 and 28 under 35 U.S.C. § 103(a) as allegedly unpatentable over AAPA as applied to claims 17 and 23 in view of Rexford; rejected claim 37 under 35 U.S.C. § 103(a) as allegedly unpatentable over the AAPA in view of Bremer as applied to claim 29, and in further view of U.S. Patent No. 6,751,650 to Finch; rejected claim 39 under 35 U.S.C. § 103(a) as allegedly unpatentable over the AAPA in view of Bremer as applied to claim 29, and in further view of U.S. Patent No. 6,032,190 also to Bremer.

Applicants respectfully traverse the Examiner's rejections for at least the reasons set forth in the Amendment filed December 14, 2005.

Moreover, claim 1, as amended, recites a combination including, for example,

route control means for determining a communication route using a network topology provided by connecting the communication nodes based on selection from a plurality of network plans using the format conversion parameter, each network plan being provided based on a format.

None of the cited references, taken alone or in combination, teaches or suggests at least this element recited by claim 1. Independent claims 9, 17, 23, and 29, although of different scope, recite similar elements to claim 1. Claims 2-8, 10-16, 18-22, 24-28, and 30-39 depend from independent claims 1, 9, 17, 23, and 29.

Because none of the cited references, taken alone or in combination, teaches or suggests each and every element required by claims 1-39, Applicants respectfully request that the Examiner reconsider and withdraw the rejections.

Customer No. 22,852
Attorney Docket No. 09812.0629-00
Application No. 09/894,472

If there is any fee due in connection with the filing of this Preliminary
Amendment, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: February 7, 2006

By: 
Nathan A. Sloan
Reg. No. 56,249